

pay for equal work" and "Equal pay for comparable work," you know, I have seen women work as clean-up people at night and just to use some figures, there is a cleaning company in this city that pays women \$218. They pay men \$298 because they say that the men are stronger than the women but yet and still the women are moving the big boxes and toting trash and doing all the other kinds of things -- using the big buffers and getting all the germs that the men are getting so it is comparable work but it is not comparable pay and that is unfair.

And I think that a person has an unalienable right to be paid equal pay for equal work and equal pay for comparable work and if we work for the same agency, Mr. Cooper and you and I do the same things, I am sure that you do not think that you ought to be paid unequal to me..

PRESIDENT CASSELL: Delegate Marcus.

DELEGATE MARCUS: When this amendment or this section first came up on the floor -- speaking for the Committee on Preamble and Rights, I spoke against it.

Since looking at the language and looking at the language that existed in the section on Economic Development, I have come to support this language because the language of the Committee on Economic Development leaves the determination of how to deal with the issue of equal pay for equal work and

equal pay for comparable work to the legislature.

And while if many of you were in the legislature I certainly would have great faith in that body, I am certain that by making it an absolute right -- which it is and which it needs to be, that particular position will be protected in situations that Delegate Jones described a moment ago and will not happen again.

I urge you to vote for this section.

PRESIDENT CASSELL: All right, the motion on the floor is to adopt Section number 21, equal pay. Are we ready to vote? Those --

DELEGATE BARNES: Point of personal privilege. I would just like to recommend to the Style and Drafting Committee that this provision go either in the economic development section or in the economic --

MANY VOICES: No. No.

DELEGATE KAMENY: No. I point out to the Delegate that this committee was constructed by the floor when this amendment was presented, that it was to go in this section.

We were aware of the overlap and the redundancy but we had no choice on this and one other section read and adopted a few moments ago which also could have been combined but those were not the instructions we received from the floor.

PRESIDENT CASSELL: It is now time to vote. Those in favor of Section 21 indicate by saying aye.

[Chorus of ayes.]

Opposed. Abstain. [Carries.]

Section 21 is adopted. Delegate Kameny.

DELEGATE KAMENY: Section 22, Unenumerated rights of the people. The enumeration in this Constitution of certain rights possessed by the individual or limitations upon the government shall not be construed to disparage nor deny other rights or limitations not enumerated.

PRESIDENT CASSELL: Motion.

DELEGATE KAMENY: I move the adoption of Section 22
[Motion made and seconded.]

PRESIDENT CASSELL: It has been moved and seconded that Section 22, Unenumerated rights of people, be adopted.

. Discussion.

Those in favor, indicate by saying aye.

[Chorus of ayes.]

Opposed. Abstain. [Adopted.]

Section 22 is adopted. Delegate Kameny.

DELEGATE KAMENY: Section 23. The Right to Change. The State with its institutions belongs to the people who inhabit it. Whenever a government fails to serve its people, they may exercise their inalienable right to alter, reform or abolish it.

Mr. President, I move the adoption of Section 23.

PRESIDENT CASSELL: Second?

[Motion made and seconded.]

PRESIDENT CASSELL: Moved and seconded that Section 23, the Right to Change be adopted. Discussion.

There being no discussion, those in favor indicate by saying aye.

[Chorus of ayes.]

Those opposed. Abstain. [Adopted.]

Section 23 is adopted. Delegate Kameny.

DELEGATE KAMENY: Section 24, Self-Execution.

All sections of this Article shall be self-executing.

Mr. President, I move the adoption of Section 24.

[Motion made and seconded.]

PRESIDENT CASSELL: Moved and seconded that Section 24, Self-Execution, be adopted. Those in favor indicate by saying aye --

VOICE: No, discussion.

PRESIDENT CASSELL: Discussion.

DELEGATE MARCUS: After consultation -- please, Delegates -- after consultation with the Convention's Counsel and several other people, it is my feeling that this section should be --

PRESIDENT CASSELL: [Beats microphone on table for order.]

DELEGATE MARCUS: After consultation with the Convention Counsel, and with several other delegates, my feeling that this section should be amended to read "All Articles of this Constitution shall be self-executing" and provide that it is the last Article in the document itself.

The reason for this is quite simple, Mr. President, so that we have one piece which ties the entire document together and enables the entire document to be enforced.

I am not certain of the procedure that I need to pursue in order to do that.

DELEGATE GRAHAM: May I speak to this?

PRESIDENT CASSELL: Delegate Graham.

DELEGATE GRAHAM: Mr. President and members of the Convention, we have not organized the Articles according to the way that they will appear in the Constitution as yet and I wish, if you make that motion, that you would make it so we could use it in whatever article we place last.

PRESIDENT CASSELL: Would you be willing to -- no, I guess that would take an amendment.

What is your pleasure? You can make --

DELEGATE KAMENY: May I say something?

PRESIDENT CASSELL: Yes, Delegate Kameny.

DELEGATE KAMENY: I would like to say that in my view, your amendment raises the gravest of problems. There are all sorts of sections in the Constitution which are not self-executing and are not intended to be self-executing. They provide for appropriate legislation in all kinds of ways.

I think to take it out of this section would be disastrous, whatever you may do with respect to the Constitution as a whole. It should remain in this Article.

PRESIDENT CASSELL: One response. One response and then we vote.

DELEGATE MARCUS: I would like to ask the opinion of the Counsel to the Convention on that.

PRESIDENT CASSELL: General Counsel Thomas.

MR. THOMAS: Thank you. Well, first of all, I guess the Bill of Rights -- many of the rights themselves are not self-executing. Would you agree?

DELEGATE KAMENY: All are certainly not self-executing..

MR. THOMAS: Right. Okay, some of the articles -- if you say that some of the articles are not self-executing, many of the sections are not self-executing, either. When I was asked by Mr. Marcus as to whether another article would be

convenient to put this section at the end, I said okay, because just to have it either in the Bill of Rights or at the end of the Constitution would not solve the overall problem that all the sections are not self-executing so if you are going to leave it in, I have no strong feeling as to one place or the other.

The article with the more self-executing sections though, it is the Bill of Rights.

DELEGATE KAMENY: I would urge that it remain either here or in both but not to be taken out of this article under any circumstances. That is my personal comment as a delegate.

PRESIDENT CASSELL: All right, thank you.

Now there has been a lot of discussion on this. I think the points have been made. Those in favor of Section 24 -- the adoption of Section 24.

Those in favor of the adoption of Section 24, Self-Execution, indicate by saying aye.

[Chorus of ayes.]

Opposed. Abstain. [Adopted.]

PRESIDENT CASSELL: Section 24 is adopted.

Delegate Kameny.

DELEGATE KAMENY: Mr. President, I move the adoption of the entire Article on the Bill of Rights as corrected.

[Motion made and seconded.]

PRESIDENT CASSELL: It has been moved and seconded that the entire article on Bill of Rights as corrected be adopted. Those in favor? Discussion? Delegate Clarke.

DELEGATE CLARKE: Mr. Chairman, I have a movement to the whole -- an amendment to the whole.

PRESIDENT CASSELL: Delegate Clarke has brought to us an amendment for the whole. The rule -- pardon?

Oh, I beg your pardon, a substitute for the entire article. The Rules of the Convention are that in order to make a substitute or an amendment one must have presented it to the committee and, not having done that, get the permission of the Chairperson of the Committee.

The Committee on Bill of Rights -- Preamble and Bill of Rights Chairperson is Delegate Jerry Moore. Has that been done, sir?

DELEGATE CLARKE: No, sir.

PRESIDENT CASSELL: Then, not having been done, it is not in order to substitute a motion for the entire article.

Yes, sir.

SECRETARY COOPER: I recall an instance, Mr. Chair -- I don't know, maybe my memory fails me, when one other delegate was not able to achieve that simply because the Chairman was not here at the time. And Mr. Moore is not here at the time

and I was wondering if that same principle would apply to Mr. Clarke?

PRESIDENT CASSELL: I think your memory does fail you.

SECRETARY COOPER: Oh, no, it doesn't.

PRESIDENT CASSELL: What had happened was that the particular chairperson in question had indicated that he would not even consider a waiver. Therefore, that particular delegate had no way of bringing that to the floor. The body voted it.

DELEGATE CLARKE: I can tell you this. I have -- I have discussed the issue with the Chairman of the Committee but I have not advised him of my intent to move the motion.

PRESIDENT CASSELL: It seems then, sir, that you will have no way of bringing this substitute to the floor. This would be contrary to the rules.

DELEGATE LOVE: Move to suspend the rules.

DELEGATE CLARKE: Then I move to suspend the rules to allow me to move to adopt an amendment to the nature of the substitute for the entire article which will parallel the Federal Bill of Rights.

I believe seriously that --

VOICE: Who is he to come in here like this at the last minute and --

PRESIDENT CASSELL: Just a minute, sir. A minute, sir. [Pause for side conference.] You are only moving to suspend the rules.

DELEGATE CLARKE: I was going to --

PRESIDENT CASSELL: Let me indicate to you that there is another aspect in which your motion fails and that I assume that it has not yet been circulated among the Delegates so they would not know what it is.

This is the only copy we have.

SECRETARY COOPER: Point of procedure. Now, Mr. President, it is obviously a double standard you play here

SEVERAL VOICES: No, it is not.

SECRETARY COOPER: Yes, there is.

DELEGATE CLARKE: There is a xerox machine that has been used to do the committee's work and I appreciated that.

VOICE: So, why didn't you use it?

DELEGATE CLARKE: I tried to.

DELEGATE LOVE: Point of information, Mr. Chair. I think if it is the Bill of Rights out of the U. S. Constitution it was distributed by Vice President Freeman about a week ago.

DELEGATE KAMENY: Not as an amendment.

DELEGATE LOVE: No, but it was distributed.

DELEGATE KAMENY : Oh, we have all seen that.

PRESIDENT CASSELL: The question is, dealing with this amendment, has this Delegate followed the proper procedure?

DELEGATE CLARKE: Mr. President, I am trying --

PRESIDENT CASSELL: You will recall --

DELEGATE CLARKE: -- to and I moved the motion to suspend the rules, sir.

PRESIDENT CASSELL: I would like not to be interrupted while I am trying to make a ruling on this.

DELEGATE EICHHORN: Point of information.

PRESIDENT CASSELL: For the record, now, we have to make it clear. All --

DELEGATE EICHHORN: Mr. Chair, point of information.

PRESIDENT CASSELL: -- of the amendments that we have considered yesterday and today, we have insisted that the people circulate them and bring them up to the Chair and people have gone to great lengths to do that, right?

Now -- yes?

DELEGATE EICHHORN: Earlier this evening, other Delegates wished to present an amendment which was not in writing and were given an opportunity to delay consideration of the article while they duplicated and circulated their amendment. I wonder if the Chair would extend the same courtesy to Mr. Clarke?

PRESIDENT CASSELL: I don't recall. Perhaps you could be a bit more specific?

DELEGATE EICHHORN: With regard to the Article on Education, when Delegate Simmons decided --

PRESIDENT CASSELL: I am sorry. This is not a Delegate decision. This is a decision of the committee. This is a decision of the committee on the basis of some conflict within the committee as to whether there was indeed a need to make a portion of the article conform with another. This is not a special dispensation.

DELEGATE CLARKE: Mr. Chairman, may I -- Mr. Chairman on my motion --

DELEGATE BLOUNT: Mr. Chairman, I would urge --

PRESIDENT CASSELL: In turn, now, please. We have a whole audience of people, right? Yes.

DELEGATE BLOUNT: Mr. Chairman, again I would urge the Chairman to go ahead and make a decision so we could move forward.

PRESIDENT CASSELL: Yes --

DELEGATE CLARKE: I would like to speak to the motion.

PRESIDENT CASSELL: There is a motion on the floor --

DELEGATE CLARKE: May I speak to it?

PRESIDENT CASSELL: -- which is to appeal --

DELEGAGE CLARKE: No.

PRESIDENT CASSELL: No, I beg your pardon. It is to suspend the rules. Okay, sir?

DELEGATE CLARKE: Mr. Chairman, I was under the impression -- I determined to do this yesterday. I was under the impression that this matter would come before us tomorrow.

I do not object to a change in agenda. I understand changes of agenda. But because the agenda had to change I hope the flexibility can be accorded with it.

Mr. Chairman, the issue that I am raising is a serious issue and I think it warrants the suspension of the rules. I think that when you go through a bill or an article or any piece of proposed legislation, that you need to not only look at it in terms of each individual piece but you must look at the forest as well as the trees.

Now I find that, after I have looked at this, some serious questions that I would at least like to present to the Convention about whether the totality of this Bill of Rights will even get through the people of the District of Columbia in a referendum and I want to say --

DELEGATE LONG: Point of order. Point of order.

PRESIDENT CASSELL: Point of order.

DELEGATE CLARKE: And I want to present --

PRESIDENT CASSELL: State your point of order, sir.

DELEGATE CLARKE: -- options --

PRESIDENT CASSELL: State your point of order.

Point of order has been called, sir.

DELEGATE CLARKE: I am sorry, sir.

PRESIDENT CASSELL: You do understand points of order, sir.

DELEGATE CLARKE: I'm sorry, sir.

PRESIDENT CASSELL: You do understand.

DELEGATE LOVE: A motion to suspend the rules is not debatable. We have to vote on it.

PRESIDENT CASSELL: I think he is quite correct.

The motion is to suspend the rules. It requires a two-thirds vote. Those in favor of suspending the rules, please signify by raising your hand.

[In a vote by raising of hands, 17 are in favor, 11 are opposed and Delegate Holmes abstains.]

PRESIDENT CASSELL: The motion loses. We did not get a two-thirds --

VOICE: What was the count, please?

VOICE: Now can we move on, Mr. Chairman?

SECRETARY COOPER: It started off 18, then it went

to 19, then it went to 17 in favor and 11 not in favor and one abstention.

SEVERAL VOICES: Roll call. Roll call.

SEVERAL VOICES: Oh, there's no need for a roll call.

PRESIDENT CASSELL: Ladies and gentlemen, let me remind you, if a roll call is called for, we will have a roll call. We had a rather beautiful session last night. We made rather excellent time. Everybody was cooperative. They were all of one mind and I don't recall that there were any delaying tactics -- not that there are any on the floor now.

I would sincerely indicate to you that if there is to be a roll call --

SEVERAL VOICES: That takes too much time.

No roll call. Can't we move on.

SECRETARY COOPER: Roll call.

PRESIDENT CASSELL: Is there a call for a roll call?

DELEGATE BLOUNT: Move on.

SEVERAL VOICES: No.

SECRETARY COOPER: Roll call.

PRESIDENT CASSELL: I don't see four hands.

SECRETARY COOPER: One, two, three, four. Eight.

MANY VOICES: [Protest.]

PRESIDENT CASSELL: All right, Mr. Secretary. The

— motion on the floor is to suspend the rules. You recall from yesterday suspending the rules, suspending the rules for a specific action. When an action is over, the rules are no longer suspended.

All right, Mr. Secretary, roll call.

The recorder has indicated that she cannot properly record the vote unless we are particularly quiet. She is recording this. The person who will have to type it will have to be able to hear it.

Okay, those in favor of suspending the rules in order for Delegate Clarke to make a substitute motion to the Article on the Bill of Rights will say yes. Those opposed will say no.

Mr. Secretary.

[Whereupon, Secretary Cooper called the roll with results as follows:]

Delegate Lockridge, No; Delegate Long, Yes; Delegate Love, Yes
Delegate Maguire; Delegate Marcus, abstain; Delegate Charles
Mason, pass; Delegate Hilda Mason, pass; Delegate Brian Moore,
Yes; Delegate Jerry Moore; Delegate Talmadge Moore, Yes;
Delegate Nahikian, Yes; Delegate Nixon, Yes; Delegate Oulahan;
Delegate Paramore, No; Delegate Robinson; Delegate Rothschild;
Delegate Schrag, Yes; Delegate Shelton, Yes; Delegate Simmons,
No; Delegate Street; Delegate Terrell; Delegate Terrell;

—
Delegate Thomas, Yes; Delegate Warren, No; Delegate Baldwin;
Delegate Barnes, Yes; Delegate Blount, No; Delegate Bruning,
Yes; Delegate Clarke, Yes; Delegate Coates, No; Delegate
Cooper, Yes; Delegate Corn; Delegate Croft; Delegate Eichhorn,
Yes; Delegate Feely, Pass; Delegate Freeman, Pass; Delegate
Garner; Delegate Graham, Pass; Delegate Harris; Delegate Holmes
Pass; Delegate Jackson; Delegate Johnson, Yes; Delegate Jones,
No; Delegate Jordan, No; Delegate Kameny, No; Delegate Charles
Mason, No; Delegate Feely, No; Delegate Freeman, No; Delegate
Graham, Yes --

DELEGATE MAGUIRE: Point of personal privilege.
Point of personal privilege.

VOICE: He is in the middle of the roll.

SECRETARY COOPER: Delegate Holmes.

DELEGATE HOLMES: Abstain.

DELEGATE MAGUIRE: Point of personal privilege.
Mr. President, will my name be called?

VOICE: It's already been called.

DELEGATE MAGUIRE: I got something in my throat.
May I cast a yes vote?

PRESIDENT CASSELL: Yes, you may.

SECRETARY COOPER: Delegate Maguire; Yes.

PRESIDENT CASSELL: Delegate Cassell.

SECRETARY COOPER: Delegate Cassell.

PRESIDENT CASSELL: No.

SECRETARY COOPER: Mr. President, there are 17 in favor, 13 not in favor and two abstaining.

DELEGATE BLOUNT: Now can we move on?

PRESIDENT CASSELL: Okay, the motion fails. It did not have two-thirds.

Delegate Graham.

DELEGATE KAMENY: The motion on the floor, Mr. Chairman, if I understand correctly our present posture, is to adopt the Article on Bill of Rights.

PRESIDENT CASSELL: That is correct. Those in favor, indicate by saying aye.

[There is a chorus of ayes.]

Those opposed?

DELEGATE CLARKE: There was no close of debate. Now, come on.

DELEGATE FREEMAN: Debate is allowed. Now, I do think that we ought to hear from people pro and con.

PRESIDENT CASSELL: In the confusion, the Chair made a mistake. The Chair begs the pardon of Delegate Freeman, who has a frown on her face, and of anybody else, that confusion is possible.

Delegate Clarke.

DELEGATE CLARKE: Mr. Chairman, when the Federal Constitution was adopted, the framers of it felt that it was so important to establish an orderly state growing out of the mess that existed with the Articles of Confederation that they put to a later time the adoption of the Bill of Rights.

I would suggest that at this time that procedure be undertaken by us.

We have worked long and hard -- some more than others and I put myself in the category of others --

MOST VOICES: Others, others.

DELEGATE CLARKE: I wish the respect of my colleagues I have afforded it and I wish it.

What I have to say I think is important.

I know what it is to work on a piece of legislation and I know what it is to work on a piece of legislation section by section. I know the experience of saying, "Boy, I am finally glad that there is something that I have worked so hard for."

And there are pieces within this Constitution that I am so glad to see, issues that I have fought all my life about and you know that one of them is capital punishment because I have fought all my life for the abolition of capital punishment and it is in there and I am glad to see it.

But sometimes it is necessary to look at the forest

because we have been looking at the trees too long.

And I am convinced at this point in time, after having had the opportunity to look at this Bill of Rights as a forest and not as individual trees, that it may be the albatross that brings down the Constitution -- not in the Halls of Congress but at the polling places of the District of Columbia ballot box.

We have worked long and hard but we have also, in addition to finding things that we wanted, we have, as part of the compromise of this body, accepted things we did not like.

But when we look at it as a whole, I do not believe that the people of the District of Columbia will accept the whole of it.

I have had to deal with the issue of criminal justice as a Chairman of the Committee of Current Legislature and I know the spirit of the people today. And they will not accept the revelation of the identity of criminal informants, the presentation to the defendants of all of the government's evidence, and some of the grand jury provisions that we have provided.

I know that the sympathy of the people of this city is behind jobs and income and housing for all but I am not sure that the sympathy is so great at this time that they are

—

willing to have it guaranteed from their tax rolls in a state which will be crimped anyway because of having to adjust to certain changes from the federal budget.

I propose to my colleagues that we do what the federal framers did and that is, that we not pass at this time a Bill of Rights -- not because we are opposed to a particular provision but because the issues are so difficult that we first establish a state and then we, in the context of being that state, provide for the right.

I assure you from my own experience that if we do not pass the Bill of Rights as part of the Constitution we will expedite the day of the creation of this state and I would not be opposed if it were procedurally proper if this effort of mine ^{not} to/pass the Bill of Rights at this time were to pass, that there be added into the Constitution a provision saying that within a time certain after the coming-together of the state there shall be a Convention for the purpose of establishing the Bill of Rights.

But I am telling you this, that I am sure as I stand here today that the people of the District of Columbia will be the problem and not the Congress, if we don't do what I have asked that we do.

—

PRESIDENT CASSELL: Delegates Jones, Kameny and

Shelton.

DELEGATE JONES: I pass, Mr. Chairman.

PRESIDENT CASSELL: Kameny.

DELEGATE KAMENY: Mr. President, fellow Delegates.

It is my understanding of our history that Delegate Clarke has his history just slightly wrong. The decision by our national founding fathers not to have the Bill of Rights initially was not based, as I read history, simply upon a desire to delay to a later day but simply because those rights in those days were not thought about, the concept was new, it had not been heard of and upon adoption or the process of the beginning of adoption of their Constitution, they suddenly began to hear word from the hinterland that you had better have one or give us an assurance of one or you are not going to get a Constitution, so they said, "We will do it."

We have now had 200 years to become accustomed to the concept of a Bill of Rights and they are now incorporated in Constitutions from the beginning and that is why our initial one was called a Bill of Rights because it was added on as an appendage and more modernly, they are not.

Now, we have debated the provisions here in our Bill of Rights with great anger and great concern and great emotion and enormous personal involvement upon each individual

— one of us and we have considered the merits and we have thrashed out our differences.

We have considered in essence and piecemeal what I understand, if I am correct, to be Delegate Clarke's proposal as it came forth from another delegate, amendment by amendment and substitution by substitution for section by section and we voted it down every single time. That delegate prevailed, as I recall it, on not one single vote from one end to the other of that long, anguished debate which should tell Delegate Clarke something.

I suggest that we have worked hard on what is here. We have made our accommodations to each other, to the Convention, to the body politic as we saw it.

We have made our compromises. We have come out with something which for each one of us, probably, has things in it with which we do not agree and which we do not like but which, taken as a whole, is something with which we as a whole can stand and can stand with our heads held high. I certainly can.

I urge you to adopt this Article as we have worked it through and to proceed shortly -- and it is very short now -- with the remainder of the adoption of our whole Constitution.

Thank you.

PRESIDENT CASSELL: Delegate Shelton.

DELEGATE SHELTON: Mr. Chair, I completely understand and sympathize with the Delegate's desire to put before us a proposal.

We were elected by the residents of the District of Columbia. They did not buy a pig in a bag. They knew when they elected us the kinds of delegates that they were sending to this Constitutional Convention.

I believe that we have mirrored the sentiments and the desires of the residents of the District of Columbia. I think that we should stand behind our Bill of Rights and to let the District of Columbia residents know that there are some delegates who will present them with a platform which they desire; that the compromise and the times for compromising the desires and the needs of the District of Columbia residents should not be now.

That we should go out from this Convention with a Bill of Rights that we feel are the rights that are guaranteed in a free state and that the residents of the District of Columbia -- we have talked about some issues for which they desire some legislators at some time in their history to present to them.

The art of compromise is truly an art, of providing

to the residents of the District of Columbia what they need and what they want. I do not think that we should back down from our desire to present to the residents a Bill of Rights that we have struggled so long and so hard for and that many of them would sometime somewhere hope somebody would present to them a platform of considered rights.

And I believe that we have done so.

In order for a state to be free, it must present to the residents of the District of Columbia what it really means to be free. And for so long we have passed legislation that we knew when we passed it, was not going to provide for the measure and the extent which was needed.

We have done so under the arms and the shadows of the Congress of the United States. The Civil Rights Act itself although strong legislation, was a compromise and those who have to execute and implement that compromise recognize that if we could have had our druthers then, that we would have provided a strong Civil Rights Act.

I urge you in your considerate judgment to of course the desire and the strength to fight for this Bill of Rights in the streets and to persuade the residents of the District of Columbia that this is really the right of a free state.

PRESIDENT CASSELL: Nahikian.

[Applause.]

PRESIDENT CASSELL: Simmons. Holmes. Jordan.

DELEGATE BLOUNT: What are we having tonight, speeches or what? Point of order. Point of order.

PRESIDENT CASSELL: State your point, sir.

DELEGATE BLOUNT: Don't we have another Article to deal with tonight?

PRESIDENT CASSELL: Yes. We are having response to the motion on the floor.

DELEGATE BLOUNT: I move the previous question.

VOICE: You wouldn't do that.

DELEGATE BLOUNT: Oh, yes, I would.

PRESIDENT CASSELL: Delegate Nahikian.

DELEGATE NAHIKIAN: Thank you, Mr. President.

DELEGATE BLOUNT: I just moved the previous question, Mr. Chairman.

DELEGATE NAHIKIAN: You can't do that while I have the floor.

PRESIDENT CASSELL: You can't do that while somebody has been recognized and is about to speak. I know you would not want to do that.

DELEGATE BLOUNT: Oh, yes, I would, too.

[Laughter.]

PRESIDENT CASSELL: Delegate Nahikian.

DELEGATE NAHIKIAN: Thank you, Mr. President.

Faced with the adoption of the Bill of Rights, I think that the Delegates are once again faced with a very hard decision and there are a number of items that I am not sure I personally totally agree with in the Bill of Rights.

However, the Bill of Rights is the product of 45 people, all of us, of whom are very diverse and very different. And there have been times when there have been a number of pieces of legislation or efforts passed that I did not personally totally agree with.

I believe that we should vote for this Bill of Rights and I believe that if the people of the District of Columbia disagree with the Bill of Rights, that we should not take that right away from them.

That is their democratic right to vote up or down this Constitution, based on its content.

I am sure that there are a number of people in the District of Columbia who will not agree with many items in the Constitution but I believe that the Delegates to this Convention have made their best effort and sometimes efforts that not all of us agreed with but have made their best efforts and I think that the people of the District of Columbia should

— should have the choice to vote up or down the Constitution and to have before them a substantive statement of what the Delegates that they elected have to say.

The bottom line is that we are only here for a short time. It is the people of the District of Columbia that will have to live with the Constitution and make their decisions and I think we should not take that right away from them.

And that is the reason why I would urge people to vote for passage of the Bill of Rights.

PRESIDENT CASSELL: Simmons.

DELEGATE SIMMONS: Mr. President, my simple sentence is that the Constitution should reflect the body politic of the social-historical backdrop of that people and I believe that in the Bill of Rights we have what is the accumulated social-historical backdrop of the 45 Delegates and the people who elected them to come here and write this Constitution.

I will, therefore, be supporting that Bill of Rights section.

PRESIDENT CASSELL: Holmes.

DELEGATE HOLMES: Mr. President, I was the only woman on the Bill of Rights and I don't think it is fair that we gave up our time, our leave, to come to write the Constitution and the Bill of Rights. My thing is, who are we talking

about when we talk about the people?

Now, I want you to tell me, what people are you talking about? Where do these people come from? Are we talking about the elitists? Are we talking about everyday working people? Or who are we talking about? How do we know who will vote and who won't vote if we don't take it out to the community?

This is what is wrong now. Every time we vote to do something, we always on the tail end of everything. Now that we are on the beginning, now it is not going to pass through the people.

Now, I have asked Mr. Clarke who the people are.

Now, when you talk about the elitist people, I am not part of that. I'm a everyday working person, been working in the government for 37 years and have put up with this garbage that has come down the pike tonight.

And I think that if we are for real and we turn the coin and look at it on both sides, that we should take the Bill of Rights out and give it to the people.

If the people want to turn it down, at least we have given them the opportunity of turning it down and not had someone come in here and tell us that it will not come in here in the community.

The whole time we been writing articles, when they want to take a cop-out, it is that Congress won't do it.

Now, they come and bring it again and say, "The people won't do it."

Now, who going to do it?

Now, I am tired. I been here 89 days and missed one-half a day out of this whole thing. I sit in here for two days with a toothache. Now I have been to the dentist today and have relieved some of this pressure. I want to know who the people are and who do we represent?

[Laughter.]

PRESIDENT CASSELL: Thank you. Thank you.

Delegate Jordan.

DELEGATE JORDAN: I just want to remind everyone here that what we are attempting to do must in some ways reflect our historical experiences.

I believe that if we did vote down this Bill of Rights today, we would be unfaithful to those who had fought and died before us in the name of liberation and freedom but most importantly, I would believe that we would have abandoned the children who represent our people.

Now, some people would come to us and say that they have worked in the Civil Rights struggle before. They were

— followers of Dr. King and I remind you of what Dr. King said.

He said that "When a man happens to be 36 years old as I happen to be and some great Truth stands before him, some Truth that calls him to act, and he is afraid to act because he is going to lose his job or his house is going to get bombed or he is going to get shot."

He said, "He might live to be 80 years old and the cessation of breathing is but a belated announcement of an earlier death of the spirit."

"A man dies when he fails to stand up for that which is right. A man dies when he fails to stand up for that which is true."

So we are going to stand here and let the world know that we intend to be free. The struggle here in this city is for freedom and we are losing sight of it if we start saying th-t we want to do a little half-stepping.

I think the experience of Rhodesia will remind all of us of what happened when some people did some half-stepping for freedom.

And one last thing, because history is a heavy weapon; we should always remember history when it comes to these kinds of issues.

— Frederick Douglass said, "If there is no struggle,

there is no progress. Those who profess to favor freedom and yet deprecate agitation are men who want crops without the plowing up of the soil. They want rain without the thunder and lightning. They want the ocean without the awful roar of its many waters.

"This struggle might be a moral one. It might be a physical one. It might be both moral and physical. But there must be a struggle."

Now, I am not saying that to be preaching and I am not saying that for any other purpose than to try to make it sink in to some of our heads that we are here not on a mission to serve our own purposes but we are here as a constituent part of a struggle that started over 200 years ago when people came to these shores and weren't free, when the Congress of the United States took away the voting representation in this city.

We are a constituent part of a struggle that is both national, international of people to be free.

Now, that is the issue. That is the bottom line. And I don't want to take half a loaf. I am tired of taking half a loaf. We have been taking half a loaf all of our lives so I would ask you today, not to make an indictment, not to make an indictment upon those who worked so hard and labored

so assiduously to bring before us this Bill of Rights.

Don't indict them by saying that you feel that they are unreasonable, unresponsive and don't care about what the people in the city want.

One last thing. And not as a personal commentary or anything. But we don't have any problem -- and those who are on the Judiciary Committee and the Council don't have any problem in finding money each year to put people in jail.

We make certain we can find money to put people in jail and as I understand it -- Delegate Nahikian told me it is now \$32,000 a year to keep someone in jail?

What price is a job?

Thank you very much.

[Applause.]

DELEGATE KAMENY: I call the previous question.

PRESIDENT CASSELL: Delegate Bruning. I am going to allow a little more debate on this. It seems to be a very hotly-contested issue. Delegate Bruning.

DELEGATE BRUNING: I called the question but I agree we need more debate. I withdraw my motion.

PRESIDENT CASSELL: All right. Delegate Moore.

DELEGATE BRIAN MOORE: When this Convention began, I immediately began to promote the ideas of neighborhood

courts and the ideas of giving voting rights to as many people as possible with a preference for the lower-income people.

I also supported the idea of giving the right to strike to public employees. And over and over again, I voted in favor of many of these ideas.

But for some reason, I cannot bring myself to ask you to vote in favor of that one provision about giving a job to every citizen of this state and a decent salary, even though I believe in the concept.

For some reason, it is just overwhelming to ask people in a community on a financial basis to bear that burden when I know it is not practicably feasible.

I can't give you any more reason than that, other than, the concept is great and the idea is great but we are going to have to implement that in another way. The system cannot bear it now and we will have to become a state and become part of that structure and then, if we believe that we can change the system, then let's do it that way.

But I just do not think that we can do it this way, on this one particular item and for that reason, I ask you to consider Mr. Clarke's proposal and I ask you to vote down the present Bill of Rights or to postpone it until we can consider it at another time. I think that is a logical compromise.

PRESIDENT CASSELL: Delegate Cooper, I have already recognized.

SECRETARY COOPER: Delegates, I rise to speak in support of the motion to adopt this Article. Several sections of this article are objectionable to me. However, I think several sections of this article are very good and I would hate to see the good suffer with the bad, as it so often does.

I have seen history in this instance really does have its place. Several times I have said that we were weaving our own personal passages into this document and I still believe that is so.

However, in this section, I think our personal passages are what lend it credence. I therefore urge you to support this Bill of Rights so that we can thereby provide for the many people of this great state.

[Applause.]

DELEGATE NAHIKIAN: Right on, Cooper.

VICE PRESIDENT FREEMAN: President Cassell.

PRESIDENT CASSELL: You know, I always try and make certain that we don't have repetition of things that have been said. I have recognized everybody who has wanted to speak so far and I think that because this is a rather significant issue that we need to make a record for this Convention.

I want to say something that has not been said.

We are counseled from time to time to stand in awe and in trepidation of the United States Congress which will at some point have this before them for consideration.

I take strong opposition to the claim by Delegate Clarke that the people will reject it. The people have placed the 45 of us here and I think we are capable of selling it.

Not only are we capable of selling it but I know that the people who placed us here did not place us here essentially to write a Constitution. The Constitution is simply one of those implementing devices.

I don't think anybody who went to the polls and cast a ballot for the statehood initiative and then , a second time for the Delegates, was thinking about the kind of Constitution that they wanted. They wanted statehood. They wanted freedom. They wanted relief from having to be under the jurisdiction of Congress, for whom we can't vote.

That is what the people want. They want statehood. This is an implementing device, one of the things that you have to do so I don't think that there is going to be any problem in getting the Constitution past the people.

Now, we are counseled from time to time that we have to be very careful of the United States' Congress.

Now, let's be very, very practical. If there be one person in Congress who now is against statehood, and I do not know that they are, you know, I can use my wisdom and assume that there are, do you think that there is anything in this world that happens in this Constitution, good or bad, that is going to make him change his mind?

If he is against it, he is against it. And he is against it for some rather understandable reasons.

They are kings. They have a fiefdom that they rule over, accountable to nobody. Maybe some of us would not want to give that up. Congress never gives up.

I think you quoted from Frederick Douglass.

Frederick Douglass in another statement indicated that power concedes only to power.

So if there are people in the United States Congress who are opposed to statehood for the District of Columbia, they are opposed to it for reasons that have nothing to do with anything that happens in this Constitution.

And there is no kind of compromise that we can make in this Constitution that is going to make anybody change his mind. If they enjoy presiding over a fiefdom, they are going to want to continue it.

I remind you that in 1964 and 1965, when the Voting

— Rights Act of the Civil Rights Act was before the Congress, there was not any great groundswell in the Congress to change the system and provide new rights to these individuals.

There was a groundswell of insistence from the people and in Washington, D.C., the people will have been to the polls three times.

The first time, to pass the Statehood Initiative.

The second time, to vote for Delegates to write a Constitution.

And the third time, to vote on the Constitution itself.

Now, if the Congress, in light of that expression of the people of a jurisdiction of the United States, continues to insist that we be relegated to a colonial status, the only or one of the very few capitals of western countries to keep their people in that kind of subjugation, I think that is a problem for them.

I am not certain that, with the eyes of the world looking at this particular nation, and what it is doing to the people in its capital, I am not certain that they are going to vote against that because of anything that happens in this Constitution.

— So I think that all the people who have spoken in

—
 behalf of adopting a Constitution which reflects the needs,
 the desires and the hopes of a people struggling to be free --
 which is what we are all doing, black and white, incidentally
 if you live in Washington, D.C., that we need to be cognizant
 of that and I urge that you take into very serious considera-
 tion all of the words persons have spoken in behalf of this
 and vote it up.

I think it is time for us to vote now.

Those persons in favor of adopting the Article on
 Bill of Rights, Indicate by saying aye.

[There is a chorus of ayes.]

Opposed.

[There is a smaller chorus of opposition.]

Abstain. The article is adopted.

Delegate Graham.

DELEGATE CLARKE: Point of personal privilege,
 Mr. Chairman.

PRESIDENT CASSELL: State your personal privilege,
 sir.

DELEGATE CLARKE: In the debate, I was characterized
 as having indicted persons. I made it clear in my speech and
 I make it clear now, that I have the highest respect for every-
 body here.

It was also indicated that I had, in course of the administration of the Committee on the Judiciary in the Council of the District of Columbia, provided with incarceration more persons. I invite the maker of the statement to come to my office and he will find the record to be quite the contrary.

PRESIDENT CASSELL: Thank you.

Delegate Graham.

DELEGATE GRAHAM: Mr. President, may I ask Mrs. Feely and Mrs. Lockridge please to come forward because we do want to adopt the Article on Education.

We have an Amendment before us, Mr. President and the members of the Convention have been given a copy.

PRESIDENT CASSELL: All right, we do have before us now the Section on Education on Page 4 and also on page 7.

DELEGATE GRAHAM: I shall read it for you, Mr. President. Proposed by Barbara Lett Simmons, approved by Chairperson Mildred Lockridge, Education, page 4 of 9, Section (F) Control of Property.

The State Board of Education shall control the lease and rental office buildings and lands with the advice and consent of the House of Delegates and the State Board of Education they sell and purchase buildings and lands.

Proposed by Barbara Lett Simmons. Approved by

Mildred Lockridge.

Education page 7 of 9, line 23. And control, lease and rental of these properties.

Line 1 page 8 of 9 Be sold or purchased except with the consent of the House of Delegates.

I move the adoption of this amendment and I would like to speak to it, Mr. President.

PRESIDENT CASSELL: It will take a two-thirds vote, now, to pass this adoption.

DELEGATE GRAHAM: Yes, Mr. President. I think if we vote for this amendment, it may mean a difference in our state between our citizens becoming educated and going to prisons.

I have to say this because every time I go home, I can see a jail to the right of me and one to the left of me and they seem to be filled to capacity at all times.

I am wondering if we can't work out some kind of program where the population in the jail will decrease rather than increase and I believe with the cost of keeping citizens in the jail, if by some means there could be a strong prevention program in our state, the jails would decrease in population rather than continue to increase.

I believe the Bill of Rights speaks to that in a

number of ways and we can certainly use that as a challenge for creativity.

We have been very creative in the scientific area and in the mathematic area.

We have people going to the moon and other places. I believe we can do the same thing for human beings.

I support the motion.

PRESIDENT CASSELL: Delegate Graham.

DELEGATE GRAHAM: Yes.

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PRESIDENT CASSELL: Delegate Graham, I am sorry, I was conferring with the Secretary. Were you speaking to this article?

DELEGATE GRAHAM: Yes, including this. Education.

PRESIDENT CASSELL: Okay.

The motion is to adopt the amendment which has been presented to the chairperson of the committee under consideration and whose approval we have.

Let me remind you that we have adopted all of the articles of -- or, rather, all of the sections of the Education article except this one.

All right, it seems to me that what you need now, Delegate Graham -- we had that, we had a motion to adopt the article in its entirety. And the -- the Secretary is correct -- that there was a motion to adopt the article in its entirety and it was withdrawn.

You are now here.

DELEGATE GRAHAM: I move the adoption of Section (F) with the amendment.

A DELEGATE: Second.

PRESIDENT CASSELL: Okay. It has been moved and seconded that Section (F) be amended -- isn't that Section (E) now? Isn't that Section (E) and you eliminate Section

(F)?

DELEGATE GRAHAM: Yes.

PRESIDENT CASSELL: Okay. Section (E) becomes -- well, we just lose Section (F).

All right. Discussion?

[Discussion among delegates off the record.]

PRESIDENT CASSELL: Tell me this now, is this -- all right, let's forget about what we did before and look at what you've got now.

You've got Section (F) which reads as indicated on page 4. What you are -- Delegate Graham -- what you are doing now is making a substitute for the existing Section (F). Right?

DELEGATE GRAHAM: Yes.

PRESIDENT CASSELL: And that substitute is what you have here: instead of what's on page 4 is control of property: "The State Board of Education controls the lease and rental of its buildings and lands with the advice and consent of the House of Delegates, and the State Board of Education may sell and purchase buildings and land" and remains Section (F), is that correct?

DELEGATE GRAHAM: Yes.

PRESIDENT CASSELL: Okay. Discussion?

Delegate Love?

Let me see the hands of the others who wanted to speak, please. Warren, Nahikian, Eichhorn.

DELEGATE LOVE: I'd like to point out, first of all, that what Delegate Simmons is proposing is no longer conforming language, it is wholesale change to the way that land is dealt with by the schools. Both boards, in the proposed Education section.

And we've gone through the argument before, the only thing I will say is that under her proposal, which changes both sections, which is not even similar to what Hilda Mason and Charley Mason proposed, what would happen in many neighborhoods is that people would no longer vote for School Board members on the basis of what they were going to do for the children, but on the basis of how they were going to deal for real estate.

I would urge you to defeat all of these. They are not conforming. They are totally new language. Under our new constitution, this kind of vision would not even be accepted because we have a conflict of interest law which would allow somebody who is working and has a personal interest in the bill, to even vote on that bill. So I would urge you to vote against this.

PRESIDENT CASSELL: Committee response?

Delegate Simmons?

DELEGATE SIMMONS: Those two sections are indeed conforming, and it speaks to leasing and rental as being the exclusive prerogative of the State Board of Education, and of the Board of Higher Education. That's consistent.

It then speaks to the fact that you must have the advice and consent of the House of Delegates. And the sale or purchase are the elements involved.

Those are indeed the same in both instances. And those are the four elements in discussion here.

PRESIDENT CASSELL: Delegate Warren?

DELEGATE WARREN: I move the previous question.

PRESIDENT CASSELL: Is there a second to that?

A DELEGATE: Second.

PRESIDENT CASSELL: It's been moved and seconded that the question be called.

SEVERAL DELEGATES: Objection.

PRESIDENT CASSELL: Do we desire to have two for and two against?

SEVERAL DELEGATES: Yes.

PRESIDENT CASSELL: All right. The next speaker is Delegate Nahikian.

DELEGATE NAHIKIAN: Fellow Delegates, I do not often find myself in the position --

PRESIDENT CASSELL: We need order on the floor now; there is conversation in two or three different places. Delegate Love, Delegate Moore, Delegate Jordan, Delegate Nixon; please.

Delegate Nahikian.

DELEGATE NAHIKIAN: I do not often find myself in the position of being on the other side of an issue as my friend and colleague, Delegate Simmons.

However, I have a great deal of concern about this particular amendment. I have absolutely no problem with the Board of Education or the Board of Higher Education controlling rental of their buildings.

I also have no problems with the Board of Education and the State Board of Education receiving the funds that could go back into our children's education.

[Commotion on the floor.]

DELEGATE NAHIKIAN: As I said, and I will try to quickly repeat: I do not often find myself on the other side of an issue, as my friend and colleague, Delegate Simmons.

However, if this were simply language to allow the Higher Board of Education to rent space, I wouldn't have a

problem.

I also believe that the funds that come from either rental or lease or sale of school property should go to the education system.

However, I have to oppose the amendment as it is, as the language is proposed, for one very simple reason. I believe that it is very easy to elect eight members of a Board of Education, where five members of that Board of Education could get involved in doing something like a 99-year lease on a piece of property to a major developer.

That's not to assume that that would happen, but it could happen. And my concern is that we have some checks and balances. And therefore I would have to oppose this amendment because I believe that the issue of leasing property since it can be used so creatively in the business of real estate as we all know, should be left to approval by the House of Delegates.

Therefore, I would support -- and if you remember, we debated this issue on first reading when it came before us and I have to support the language as it is now in the article; I could not support changing the language which would then do away with the potential of checks and balances fifty years or a hundred years in the future. If it were a temporary

ary issue, it would be one thing; but this is a permanent issue going into the constitution that causes us grave concern.

I think most people who have ever run for the Board of Education, I say most not all, have run for the Board of Education because they care about education of our children, I don't want people to start running because they care about real estate.

Thank you.

PRESIDENT CASSELL: Delegate Eichhorn?

DELEGATE EICHORN: I yield to Delegate Thomas.

PRESIDENT CASSELL: Bruning?

DELEGATE BRUNING: I was going to call the previous question.

A DELEGATE: Second.

PRESIDENT CASSELL: Thomas?

DELEGATE THOMAS: Mr. President, I would like to speak in favor of this proposal --

DELEGATE KAMENY: Now, I didn't pass, Mr. President, you called my name and didn't let me talk.

PRESIDENT CASSELL: I beg your pardon, but I have called Delegate Thomas. Proceed.

DELEGATE KAMENY: Thank you, Mr. President.

On many of these issues, I do not often agree with my good friend, Delegate Love. I must say in this case I do.

What was originally suggested, in the minor procedural furor that we had earlier was a simple little conforming amendment which you find on the back of your page, which would have limited leases and rentals that needed consent -- I think some of you have it on the back, maybe others don't. -- leases and rentals to those which needed consent only for those longer than five years.

So very long-term leases needed the consent of the Council which addresses a concern, and I think a valid one, of Delegate Love.

Somewhere along the line somebody decided to buy the whole hog instead of a respectable little piece of it, and are trying now to put across something something which I feel raises the gravest of problems, which we debated at considerable length on the floor earlier, which we decided to address, which needed slight remedy so the School Board didn't have to run to the Legislature whenever it wanted to rent out a room for one evening, that was all it intended to do, and at this point they have made a truly major substantive change which I think, in my personal view, ought not to

be accepted and I would suggest that this amendment be voted down; and if it is procedurally possible, I don't know if it still is, the simple little amendment about five years, and that only, be substituted. I don't know how that can be done procedurally, but let that come later.

Vote this one down.

[Side discussions regarding substitution.]

PRESIDENT CASSELL: Okay. Yes, yes, you can make a substitution motion.

First of all, Love is right. The one that we have has the permission of the permission of the chairperson.

Can you get permission from the chairperson to substitute?

DELEGATE KAMENY: I thought I had permission before I fed this into the typewriter earlier on, and it came out different on the other side of the page.

When I spoke with Delegate Simmons, I conveyed this language to her, and out came this; but I conveyed it to her with what I thought was --

DELEGATE LOCKRIDGE: Now, I know you aren't by any chance calling me dishonest.

DELEGATE KAMENY: I would never do that. I merely said I was under the impression that I had your

authorization.

PRESIDENT CASSELL: Okay. Now, the question is does the chairperson consent to your making the motion?

DELEGATE LOCKRIDGE: I have no problem with that.

PRESIDENT CASSELL: Very good.

You may make a substitute motion to Delegate Simmons' motion.

DELEGATE KAMENY: Thank you.

I move tha all that we do is add to Section -- the existing unchanged language of Section 2(F), the words "except that no such consent shall be required for a lease or rental of less than five years."

That brings the two sections, Higher Education and Lower Education, into conformity in sense, which is exactly what I understood that Hilda Mason, Delegate Mason, both of them, intended.

Thank you.

PRESIDENT CASSELL: It has been moved and seconded that on the reverse side of the sheet that you have the amendment, as read by Delegate Kameny, be adopted.

Delegate Simmons?

DELEGATE SIMMONS: What is on the reverse side does not bring it into conformity. I submit, Mr. President,

that if you turn to page 7 of -- and line 23; page 7 and line 23, -- no, you've got to look at the whole title, the (E) Title to Property.

It says here that the Higher Board has title to property which has been used or acquired for use by the trustees of the University of the District of Columbia or any of its predecessor institutions or the State Board of Higher Education, shall henceforth be titled in the name of the State Board.

I want you to then look, as you turn the page to 8 or 9, on line 1, it says: However, no such buildings or land shall be leased for a term of more than five years except with the consent of the House of Delegates.

My point is that there is no allowance here for sale or purchase by that body. If you look on page 4 of 9, Section (F), it says control of property, it does not say title of property.

A DELEGATE: Look at --

DELEGATE SIMMONS: And it says there that the State Board --

PRESIDENT CASSELL: Please, one at a time, one at a time.

DELEGATE SIMMONS: -- shall control -- well, who

has the floor, Mr. President?

PRESIDENT CASSELL: You have the floor.

DELEGATE SIMMONS: Thank you.

It says the State Board of Education shall control the purchase, sale, lease and rent -- that's four elements -- of its buildings and lands. The Higher Board of Education specifically states two capabilities as opposed to four, and then the one that is the two that it names as leasing and -ental, it says -- it then puts a five-year limit for those buildings and lands to be leased. Leased only. Leased only, For more than five years.

So it doesn't speak to rental, doesn't speak to sale and it doesn't speak to purchase.

PRESIDENT CASSELL: All right, Delegate Thomas.

DELEGATE SIMMONS: So that's not conforming at all. We're talking about four elements in one instance, we're talking about one in this one.

PRESIDENT CASSELL: Delegate Thomas.

DELEGATE THOMAS: Mr. Chairman, I rise in behalf of Mrs. Simmons and Mrs. Lockridge's amendment.

I do so --

PRESIDENT CASSELL: Please, please now, there's much too much talking in the back of the room and on the sides

DELEGATE THOMAS: I do so, Mr. Chairman, with all sincerity, because I have done a lot of compromising here tonight. I compromised with Mr. Kameny on the things he wanted I voted for it. Maybe some of it I didn't agree with, but he asked me to vote for it, and I voted for them.

I think Mrs. Simmons has the same rights. I think she has supported us. There's a lot of things in the constitution that she didn't agree with. But maybe she voted for them.

So I think she should have the same rights that anybody in this convention has or has had. And that we should vote Mrs. Simmons motion up.

Thank you, Mr. President.

PRESIDENT CASSELL: Thank you.

DELEGATE SIMMONS: Thank you.

PRESIDENT CASSELL: Motion on the floor is a substitute motion by Delegate Kameny, which is on the back side of the sheet given to us by Delegate Simmons. Debate is on that now. Delegate Mason?

DELEGATE C. MASON: I rise to say that I would be happy if either of these versions -- I would be happier if the Simmons won; but I am not sure that it is likely to get the right number of votes.

I would point out, however, to Mrs. Simmons, that this does conform with what we have provided here for the Board of Higher Education.

Title normally includes the right to do all of these things. These sell with no limit. So that when we put in a restriction, we restrict only those things that we restrict.

Now, at the top of page 8, we are applying to the Board of Higher Education, the University; however, no such buildings or land shall be leased for a term of more than five years or so, except with the consent of the House of Delegates.

Now, anything else they do with the property does not require any approval.

Now, the Kameny amendment and the one that Chestie Graham had in the first place, merely provide the same thing for the Board of Education as this provides for the Board of Higher Education.

My personal preference would be to give both of them power to do everything. But I would like to ask our President if the Kameny amendment is defeated, then we vote on the Simmons amendment --

PRESIDENT CASSELL: Yes.

DELEGATE C. MASON: -- which is probably less likely

to pass.

PRESIDENT CASSELL: The Kameny amendment is a substitute -- well, I don't know that.

DELEGATE C. MASON: The point I am getting at is: when one is in a dilemma, one prefers the Simmons amendment, but thinks it has less chance to pass, one would be quite happy with either one, and would not want to vote against the Kameny amendment because if we lose that, we're likely to lose the Simmons amendment.

PRESIDENT CASSELL: The President appreciates your dilemma, but is not able to have it, right?

[Commotion on the floor.]

PRESIDENT CASSELL: Delegate Bruning.

DELEGATE C. MASON: I wonder if --

PRESIDENT CASSELL: [rapping gavel for order]
Delegate Bruning --

DELEGATE BRUNING: I call the question.

DELEGATE KAMENY: I would suggest that Delegate Mason be in favor of one or the other, but not both.

PRESIDENT CASSELL: He has not expressed a preference for either.

I think we're ready to vote now.

The question is called for?

A DELEGATE: Second.

PRESIDENT CASSELL: Very good. The motion on the floor is Delegate Kameny's motion on Section 2(f), and it reads: "Except that no such consent shall be required for a lease on a rental of less than five years."

that's on page 4 of 9, line 8.

Those in favor of the Kameny substitute amendment, indicate by saying "aye".

[Chorus of "ayes".]

PRESIDENT CASSELL: Opposed?

[chorus of "noes".]

PRESIDENT CASSELL: Abstain?

May I see the hands of those who are in favor of the Kameny amendment?

[There was a showing of hands, the result of which was: 10 for, 14 opposed, 1 abstention.]

PRESIDENT CASSELL: Motion loses. We are now back to the Simmons amendment, which is on the reverse side of the sheet. Which refers to page 4 of 9, section (f).

Let us take the first one first. Those in favor of the first half: Education, page 4 of 9. Those in favor of the Simmons amendment, indicate by saying "aye".

[Chorus of "ayes".]

PRESIDENT CASSELL: Opposed?

[Chorus of "noes".]

PRESIDENT CASSELL: Abstain?

Let me see the hands of those who favor the
Simmons amendment, which is (F), page 4 of 9.

[There was a showing of hands, the result of
which was: 19 for, 8 opposed, 1 abstention.]

PRESIDENT CASSELL: All right, the first part of the
Simmons amendment, Education, page 4 of 9, passes.

The second part, page 7 of 9, on line 23.
Those in favor of that amendment indicate by saying "aye".

[Chorus of "ayes".]

PRESIDENT CASSELL: Opposed?

[Several "noes".]

PRESIDENT CASSELL: Abstain?

Motion passes.

The third part is line 1, page 8 of 9. Those in
favor indicate by saying "aye".

[Chorus of "ayes".]

PRESIDENT CASSELL: Those opposed?

[Several "noes".]

PRESIDENT CASSELL: Those abstaining?

The Simmons amendments have passed.

Delegate Graham.

DELEGATE FEELY: Mr. President, I move adoption of the article entitled Education.

A DELEGATE: Second.

PRESIDENT CASSELL: It's been moved and seconded that the article on Education be adopted. Those in favor indicate by saying "aye".

[Chorus of "ayes".]

PRESIDENT CASSELL: Opposed?

[Several "noes".]

PRESIDENT CASSELL: Abatain?

The "ayes" have it.

Point of procedure?

[Side discussions as to procedure.]

PRESIDENT CASSELL: Delegate Simmons. Initiative and Referendum.

DELEGATE GRAHAM: Mr. President and members of the Convention:

We have before --

PRESIDENT CASSELL: [rapping gavel] Ladies and gentlemen, please get out your articles on Initiative and Referendum. That's the last item for tonight, as far as readings is concerned.

Delegate Graham.

DELEGATE GRAHAM: Initiative and Referendum a section of the article on Suffrage, Section 1, Right to Initiative and Referendum.

A DELEGATE: Second.

DELEGATE GRAHAM: I haven't read it yet.

The people reserve to themselves the power to propose, adopt, and repeal laws and constitutional amendments.

Mr. President, I move the adoption of Section 1.

PRESIDENT CASSELL: It's been moved and seconded that Section 1, the Right to Initiative and Referendum be adopted. Is there discussion?

Delegate Clarke?

DELEGATE CLARKE: Just for the record, Mr. Chairman, in reserving to themselves, that obviously does not preclude the delegation to the Legislature; is that correct?

My point is that in this record on the convention, usually when the words "reserve to themselves", that means that nobody else can have it. Now, obviously there is going to be a Legislature to legislate. So I presume these words to mean that it's reserved in addition to delegation. And not a total reservation. I think that is what is meant

upon the record of this convention.

PRESIDENT CASSELL: It appears to me that Section 1 has to do with the right to Initiative and Referendum, it does not refer to the powers over legislation.

And under that, they reserve to them the power to propose, adopt and repeal laws in constitutional amendments, which is a power that they have now, I understand. This applies only to Section 1.

Anyone else? Delegate Mason.

DELEGATE C. MASON: I would answer Delegate Clarke that the intent of the committee, and I am sure of the body is that the people have these powers concurrently with the Legislature. To the extent outlined here in this article.

They do not replace the Legislature.

PRESIDENT CASSELL: Further discussion? Delegate Freeman, yes.

DELEGATE FREEMAN: I don't understand what we're talking about. It's just too noisy in here.

I didn't understand Delegate Clarke's point, and I didn't hear Delegate Mason's. What is the issue?

PRESIDENT CASSELL: Let me summarize it very quickly. He is simply saying that while the people are reserving to themselves the power to propose, adopt and repeal laws, does

that prevlude the Legislature having that power?

The answer is no.

All right. Further discussion on Section 1?

Yes, Delegate Bruning.

DELEGATEBRUNING: Yes. I was wondering if this would get to Delegate Clarke's problem. The original wording, before Style and Drafting, was: The legislative power of the State shall be vested in the Legislature. But the people reserve to themselves -- et cetera.

I am wondering if we could address that without picking up the first sentence that says "The legislative power of the State shall be vested in the Legislature, but the people reserve to themselves the power to --"

DELEGATE C. MASON: I think Style and Drafting had no objection to that language. The problem is --

PRESIDENT CASSELL: Thank you. Further discussion on section 1?

There being none, those in favor of adopting Section 1 indicate by saying "aye".

[Chorus of "ayes".]

PRESIDENT CASSELL: Opposed?

[No response.]

PRESIDENT CASSELL: Abstain?

Section 1 is adopted.

Delegate Graham or Delegate Mason or whomever.

Delegate Mason.

DELEGATE C. MASON: I move Section 2,
Initiative Procedures.

A DELEGATE: Second.

PRESIDENT CASSELL: It's been moved and seconded
that Section 2, Initiative Procedures, be adopted.

Discussion?

Bruning.

DELEGATE BRUNING: Yes. I think it's under (E),
under Limitations. I believe that there's a substantive
difference. On line 19 and 20, where it says "as enumerated
in this Constitution or as provided by law."

The original text which we had said "as enumerated"

A DELEGATE: Where is that found?

DELEGATE BRUNING: Prior one is on 3 of 6, and
this one is 3 of 7.

Original article said "As enumerated in this
section of the Constitution or as provided by law."

The difference was that from the committee
discussion -- and let's have other committee members either
confirm or deny this -- we continued the records back to

apply to the Constitution, i.e., the Bill of Rights or in the Bill of Rights section. So that everything was to a specific section of the Constitution, as opposed to the totality of the constitution.

PRESIDENT CASSELL: Does the committee have any response?

DELEGATE KAMENY: Yes. The committee came to the conclusion, and having by this time seen much of the Constitution, that not all rights were in the Bill of Rights, and that the intent of the original version was best preserved by broadening it to the Constitution and not just one article; and so that was done that way in the belief that we were in fact carrying out the mandate given to us.

PRESIDENT CASSELL: Is it the Committee's contention that this is not a substitution?

DELEGATE KAMENY: It is the committee's contention that this is not a substantive substitute.

PRESIDENT CASSELL: Delegate Mason?

DELEGATE C. MASON: I agree with Delegate Kameny that the committee's intent was not a substitute, substantive change, but was done only in recognition that there were certain Rights items that did not appear in that article. For one reason or another they appeared elsewhere.

PRESIDENT CASSELL: Is there further discussion on Section 2, Initiative Procedures?

There being none, those in favor of adopting Section 2, indicated by saying "aye".

[Chorus of "ayes".]

PRESIDENT CASSELL: Opposed?

[No response.]

PRESIDENT CASSELL: Abstain?

Section 2 is adopted.

Delegate Mason?

DELEGATE C. MASON: May I have your indulgence for a moment?

In typing there were certain parts of this artical that were left out. And the members of the committee here are gathering that together, and I would call on -- who has --

[Side discussions.]

VOICE: May we have order in the house?

PRESIDENT CASSELL: Order has been called for, Delegates. I should like to call also for order, please.

DELEGATE GRAHAM: Mr. President, I move the adoption of Obligation and Responsibilities in Section 2.

I'm sorry, we've done that.

Section 3.

A DELEGATE: Second.

PRESIDENT CASSELL: Let me have that motion again

DELEGATE GRAHAM: I move Section 3, Mr. President

PRESIDENT CASSELL: Second?

A DELEGATE: I second.

PRESIDENT CASSELL: It has been moved and --
Delegates, please.

I need to find another way to ask for quiet,
because I think this has gotten so repetitious that nobody
hears it any more.

All right. It's been moved and seconded that
Section 3 on Reference Procedures be adopted.

Discussion?

There being no discussion, those in favor of
adopting Section 3, indicate by saying "aye".

[Chorus of "ayes."]

PRESIDENT CASSELL: Opposed?--

Abstain?

Section 3 is adopted.

Section 4.

DELEGATE GRAHAM: Mr. President, I move the
adoption of Section 4, Publicity.

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that Section 4 on Publicity be adopted.

Discussion?

There being no discussion, those in favor of adopting Section 4 indicate by saying "aye".

[Chorus of "ayes".]

PRESIDENT CASSELL: Opposed?

Abstain?

Section 4 is adopted.

DELEGATE GRAHAM: Mr. President, Delegate Schrag will take over from here.

PRESIDENT CASSELL: Delegate Schrag.

DELEGATE SCHRAG: Mr. President, on Section 5, the Style and Drafting Commission has -- may I have your attention, Delegates?

On Section 5, the Style and Drafting Committee has a conflict to call to the attention of the body.

PRESIDENT CASSELL: Ladies and gentlemen, I'm at a disadvantage, I don't have a gavel today, and I've been using this. Now, if I do this too many times, it's going to break, really. Okay. I have to worry about it, when I can't hear, myself.

[President rapping microphone on table.]

PRESIDENT CASSELL: Delegate Schrag?

DELEGATE SCHRAG: On Section 5 there is a conflict that Style and Drafting Committee wants to call to the attention of the body, and recommend that Section 5 be deleted.

The conflict is with the article on Local Government. The local government article that we adopted expressly states that the Legislature may permit areas of the State to exercise local authority, but that that local authority may not include the authority to tax, zone land or enact legislation.

Initiative is a type of legislation, and therefore we have forbidden, expressly forbidden in the local government article local authorities to exercise the power to legislate, including initiative, even if the Legislature wants them to; and in this article we knew that might happen, so we provided here that Initiative and Referendum Powers may be exercised by the voters of any local government units that are established to the extent permitted by this constitution or bylaw.

And this article came up first. We knew this might happen, so we placed it this way, holding the place to see

what would happen with local government.

Now we know what's happened with local government, and under that article the extent permitted by this Constitution or by law is zero.

So we recommend the deletion of this article, and this has been discussed with the chair of the committee, who will now speak.

PRESIDENT CASSELL: Delegate Johnson, chair of the suffrage committee.

DELEGATE JOHNSON: This has been discussed with me and several members of the committee, and we agreed with the finding of the Style and Drafting Committee, who adds supportive solution.

DELEGATE SCHIRAG: So we therefore move the deletion of Section 5 and the renumbering of section 6.

A DELEGATE: Second.

PRESIDENT CASSELL: It's been moved and seconded that Section 5 be deleted and Section 6 be renumbered Section 5. Those in favor indicate by saying "aye".

[Chorus of "ayes".

PRESIDENT CASSELL: Opposed?

Abstain?

So ordered.

DELEGATE SCHRAG: Mr. President, I move the adoption of Section 6, now numbered Section 5.

A DELEGATE: Second.

PRESIDENT CASSELL: It's been moved and seconded that Section 6, entitled "Enabling Legislation" be adopted.

Discussion?

Those in favor indicate by saying "aye".

[Chorus of "ayes".]

PRESIDENT CASSELL: Those opposed?

Abstaining?

Section 6 is adopted.

DELEGATE SCHRAGE: Mr. President, I move the adoption of the article on Initiative and Referendum.

A DELEGATE: Second.

PRESIDENT CASSELL: It's been moved and seconded that the entire Article on Initiative and Referendum be adopted. Discussion?

Those in favor indicate by saying "aye".

[Chorus of "ayes".]

PRESIDENT CASSELL: Opposed?

Abstained?

The article on Initiative and Referendum is adopted.

DELEGATE SCHRAGE: Mr. President, the entire Constitution has now been adopted on second reading.

PRESIDENT CASSELL: Thank you, Committee.

[Applause.]

PRESIDENT CASSELL: And congratulations.

DELEGATE GRAHAM: Mr. President, may I thank the members of the committee, who have worked many, many long hours and the members of the convention for their support in helping us to get through with second reading.

We hope that the third readings will be over in just a short while, on either Friday evening or Saturday morning. Maybe Saturday morning.

Our committee will meet tomorrow at ten o'clock. And if anybody wants to meet to help us prepare the articles for third reading and final drafting, we would be happy to have you come.

PRESIDENT CASSELL: Delegate Coates.

DELEGATE COATES: Mr. President, I move that the Constitution, when printed, be not only printed in English but also in Spanish.

DELEGATE SIMMONS: And Asian.

DELEGATE SHELTON: And in Braille.

A DELEGATE: Second.

PRESIDENT CASSELL: There was much discussion in the early days of our readings, of a phrase like "to the extent feasible".

Now, at some --

I only wanted to make a comment: I hope that we have money enough left for that. I think we may have to go for additional money for that; but that doesn't apply to this. It really doesn't affect this motion.

The motion on the floor is: it's been moved and seconded that when the Constitution is printed, that it also be printed in Spanish.

DELEGATE SHELTON: And in Braille.

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded to amend the primary motion, to include Braille. That's two amendments, we can only vote them up or down, if somebody wants to indicate an additional motion, they can.

Delegate Jordan?

DELEGATE JORDAN: I just want to --

PRESIDENT CASSELL: Ladies and gentlemen, please. I mean, if I can't hear, I'm sure you can't hear. Let's pay attention. We're almost through for tonight.

I said almost. The next one is only going to take

thirty seconds; right?

Delegate Jordan.

DELEGATE JORDAN: Yes. Mr. Chair, I just wanted to ask if the maker of that motion would accept a friendly amendment. I know that we're trying to reach everyone --

PRESIDENT CASSELL: Which motion?

DELEGATE JORDAN: The one that was to be printed in Spanish and then in Braille.

PRESIDENT CASSELL: Well, that's two separate motions, but go ahead.

DELEGATE JORDAN: Yes, sir, I just wanted to add a third one. In Chinese -- and I'm not saying that to be facetious -- I'm not saying that to be funny. There are more registered Chinese voters in Washington, D. C. than there are registered Hispanic voters in Washington, D. C. And I think we will be doing a disservice if we don't print it in Chinese if at all feasible.

And I'm not trying to --

PRESIDENT CASSELL: Would the maker of the amended motion accept that? Otherwise we are going to have to vote up the two and then down.

Delegate Shelton, would you accept that as a friendly amendment to your amendment?

DELEGATE SHELTON: It's new information to me, sir; but I'm always willing to learn. I didn't realize there were so many.

PRESIDENT CASSELL: I assume that that is an assent?

Right. Okay. The motion on the floor is: -- could we do this in one motion?

Those in favor -- this is an unorthodox thing now, we know what we want. To print the Constitution in Spanish, Braille and Chinese. Those in favor indicated by saying "aye".

[Chorus of "ayes".]

PRESIDENT CASSELL: Those opposed?

Abstained?

So ordered.

All right, the Secretary has asked that he be allowed to --

DELEGATE KAMENY: I move the Agenda.

PRESIDENT CASSELL: All right, the next item on the Agenda is the naming of the State. The Committee on -- which committee is this? Suffrage? Preamble?

DELEGATE H. MASON: Mr. Chairman, Preamble and Bill of Rights has been reported out, it is now part of -

we went over this yesterday or the day before. I would suggest that the body conduct the proceedings.

PRESIDENT CASSELL: Mr. Secretary?

SECRETARY COOPER: Yes. I move to untable the consideration of naming the states.

[Many Delegates seconded.]

PRESIDENT CASSELL: It's been moved and seconded that naming the State be untabled. Those in favor indicate by saying "aye".

[Chorus of "ayes".]

PRESIDENT CASSELL: Opposed?

[Several "nays".]

PRESIDENT CASSELL: Abstain?

All right. A report from the committee now.

The committee's report is out. You have the names suggested by the committee. Was there a procedure to be proposed about how we go about that? Delegate Warren?

DELEGATE WARREN: Mr. President, I have passed out a proposal to everyone, and I respectfully propose that we call our new State New Columbia.

PRESIDENT CASSELL: All right. One moment now. We already have a proposal submitted to us for our consideration. So what you would be doing would be to amend that, to

add one more name to the considerations. I don't have that sheet with me. I seem to remember that the names were -- yes, Delegate Mason?

DELEGATE C. MASON: Our rules do not allow us to deal with names. They deal in sections of the constitution.

So I think that it would work better if the delegates were willing to do so, the problems of the piece is that we are electing officers -- that is, that when the roll is called, you answer with the name that you want, and that it be required to get a -- 23 votes in order to be final.

PRESIDENT CASSEL: The suggestion -- this is not a motion, it is a suggestion by Delegate Mason. He points out that the rules of the Constitutional Convention do not provide a means for voting on a name, it simply indicates how you go about selecting articles, voting on articles one by one.

The suggestion is that we read the various names out one by one, and each person call out the name that he is in favor of. The one receiving the majority votes, provided that majority constitutes 23 votes, is the one to be adopted.

Delegate Simmons?

DELEGATE SIMMONS: Point of order, Mr. President.

This matter was tabled yesterday. I think we first

have to take it off the table, I don't think --

PRESIDENT CASSELL: We've just done that.

DELEGATE SIMMONS: Oh, you just did it? Okay.

PRESIDENT CASSELL: Delegate Mason.

DELEGATE C. MASON: In describing the amendment, I neglected to point out that after the second ballot the requirement of 23 doesn't apply. The highest one --

PRESIDENT CASSELL: That's good. Now, we won't be here all night.

Delegate Barnes?

DELEGATE BARNES: I would like to speak --

[Much commotion on the floor.]

PRESIDENT CASSELL: [rapping gavel] Yes, the reporter requests that you come to the front, she can't hear you, and I can't hear you, either.

DELEGATE BARNES: I would like to speak against it. Only because of expediency. I really don't think we can get 23 votes tonight for any one name, and I think that a majority vote tonight will insure that we get a name.

PRESIDENT CASSELL: Well, Delegate Barnes, that's already been taken care of. One of the reasons that we're wasting time is that you can't hear what's going on.

Delegate Mason pointed out that we were to follow

the procedure that we used in voting for officers, after the first ballot we will need 23.

You just get a majority vote. May we proceed?

The names that we have before us are -- would somebody from the committee please read them off?

SECRETARY COOPER: Point of information.

PRESIDENT CASSELL: Yes?

SECRETARY COOPER: Yesterday there were two names, I believe, Anacostia and the name Columbia that we voted on, and we voted down. Do I understand that those names can come back again?

DELEGATES: Yes.

SECRETARY COOPER: We voted down Potomac, too.

PRESIDENT CASSELL: Would somebody from the committee please read off the names?

[Much commotion on the floor; chaos!]

PRESIDENT CASSELL: I would like to limit the names to a certain number, and I certainly don't want to have 15 names to deal with.

Let me suggest that we have no more than five names. Can we agree to that?

The floor is open to nominations.

Kameny?

Blount?

DELEGATE KAMENY: I nominate the name Potomac.

PRESIDENT CASSELL: Wait a minute. Wait a minute.

Blount -- Kameny, Blount, Nixon, did I see your hand up?

Barnes. That's three people so far. Kameny, Blount, Barnes.

DELEGATE WARREN: Point of information.

Will I have to resubmit the name at this --

PRESIDENT CASSELL: Yes.

DELEGATE WARREN: Well, add my nme.

PRESIDENT CASSELL: One, two, three, four, that's five names. Assuming each person is going to submit one name, that's it. Five names: Kameny, Blount, Barnes, Jones, Warren.

Delegate Kameny.

DELEGATE KAMENY: I propose the name Potomac.

PRESIDENT CASSELL: If you want to be recognized to propose a name, we have exceeded the agreed-upon number of names that we'll vote on.

[Commotion on the floor.]

PRESIDENT CASSELL: Would you please be quiet? We have got a short way to go, now. Just try to respect -- you know, think of me as your father, maybe it will be easier. Right? Right.

Delegate Blount.

DELEGATE BLOUNT: I yield to Delegate Barnes.

PRESIDENT CASSELL: Delegate Warren.

DELEGATE WARREN: Mr. Chair, I move that the name of our new state be called New Columbia.

A DELEGATE: Second.

DELEGATE JONES: I nominate Anacostia.

PRESIDENT CASSELL: Delegate Barnes?

DELEGATE BARNES: I would still like to wait to be the fifth person.

VOICES: Come on, now.

DELEGATE BARNES: I'd like to pass to the Delegate who made a suggestion I think should be considered.

And it's not -- I think that somebody else may have my choice.

But, in the meantime I will move Columbia, just plain Columbia.

[Side discussions.]

PRESIDENT CASSELL: We have four, one more.

Delegate Johnson.

DELEGATE JOHNSON: Capital State.

A DELEGATE: What?

DELEGATE JOHNSON: Capital State.

A DELEGATE: Is that an "a" or an "o"?

DELEGATE JOHNSON: A-L.

PRESIDENT CASSELL: The names we have are New Columbia, Columbia, Potomac, Anacostia, Capital.

Mr. Secretary, will you call the roll. As your name is called, indicate the name that you prefer.

DELEGATE T. MOORE: Point of order.

PRESIDENT CASSELL: State your point of order.

Why is it so difficult to get a little calm here tonight?

DELEGATE T. MOORE: We have five names up there, and I was just wondering, by putting those five names up, has anyone done any research as to why they are naming those name? Like the history of the word and so on.

I think that's important.

PRESIDENT CASSELL: Can anyone respond to that?

[Side discussions.]

PRESIDENT CASSELL: Now the Secretary will call the roll. As your name is called, pronounce the name that you prefer.

Mr. Secretary.

[Secretary Cooper called the roll with the following answers by the Delegates:]

PRESIDENT CASSELL: Yes, we are about to call the

roll. Mr. Schrag?

DELEGATE SCHRAG: After the first two ballots, I want it made clear that we no longer need 23 votes, but only a majority.

PRESIDENT CASSELL: All right.

Please call the roll.

[Results of the roll call were as follows:]

Delegate Long; Delegate Love, pass; --

[Commotion on the floor regarding the answer of "pass".]

DELEGATE LOVE: All right, Mr. Chairman, New Columbia.

[Roll call continued as follows:]

Love, New Columbia; Delegate Maguire, New Columbia; Delegate Marcus; Delegate Charles Mason, New Columbia; Delegate Hilda Mason, New Columbia; Delegate Brian Moore, Anacostia; Delegate Jerry Moore; Delegate Talmadge Moore, New Columbia; Delegate Nahikian, New Columbia; Delegate Nixon, here; Delegate Oulahan; --

PRESIDENT CASSELL: Pardon me, but please find the name, because it would be well for us to finish this and be fresh for tomorrow. Thank you.

[Roll call continues:]

Delegate Paramore, New Columbia; Delegate Robinson;
Delegate Rothschild; Delegate Schrag, New Columbia; Delegate
Shelton, Anacostia; Delegate Simmons, New Columbia; Delegate
Street, Columbia; Delegate Terrell; Delegate Thomas, New
Columbia; Delegate Warren, New Columbia; Delegate Baldwin;
Delegate Barnes, Columbia; Delegate Blount, New Columbia;
Delegate Bruning, Columbia; Delegate Clarke, Potomac; Delegate
Coates, Anacostia; Delegate Cooper, Anacostia; Delegate
Corn; Delegate Croft; Delegate Eichhorn; Delegate Feely, Ana-
costia; Delegate Freeman, Anacostia; Delegate Garner;
Delegate Graham, Anacostia; Delegate Harris; Delegate Holmes;
Delegate Jackson; Delegate Johnson, Capital State; Delegate
Jordan --

[Laughter and applause.]

SECRETARY COOPER: I think he said Potomac.

What did you say?

DELEGATE JORDAN: I said Anacostia.

[Laughter.]

[Roll call continues:]

Delegate Kameny, Potomac; Delegate Lockridge,
Anacostia; Delegate Cassell, Anacostia, the Utopia of the
Potomac.

[Laughter and "hooray".]

DELEGATE JONES: Mr. President, I have a problem with the Secretary having missed my name.

A DELEGATE: Yeah, I do, too.

SECRETARY COOPER: Delegate Jones?

DELEGATE JONES: Anacostia.

I fail to find the humor in what you did, Delegate Cooper.

[Discussions on vote.]

PRESIDENT CASSELL: Has every delegate in the room had his name called?

Has every Delegate in the room had his name called?

A DELEGATE: His or her name.

PRESIDENT CASSELL: Has every Delegate had his or her name called?

Delegate Nixon, did you have an opportunity to cast your vote? Would you like that opportunity?

A DELEGATE: No.

DELEGATE NIXON: Yes.

PRESIDENT CASSELL: Mr. Secretary, what is the count?

SECRETARY COOPER: Potomac 2, New Columbia 12, Anacostia 11, Columbia 3, Capital State 1.

PRESIDENT CASSELL: All right, according to our

rules, we go around again. The next time is the majority that wins; it does not have to be 23.

DELEGATE KAMENY: Mr. Chair, is it not possible to move closer to a resolution by eliminating one or more of the names?

PRESIDENT CASSELL: Now, of ocurse the next one will do that, since the majority wins. If this were the second go-round, the one getting the highest votes would win.

Yes, Delegate Mason?

DELEGATE C.MASON: To my recollection it is a rule for officers that after the second ballot, the majority wins. Not after the first.

In other words, we have to do two attempts for the 23. On the next attempt we don't have to have 23.

PRESIDENT CASSELL: Very good.

DELEGATE MASON: I would suggest that we eliminate the ones that had very few votes.

PRESIDENT CASSELL: Perhaps the suggestion made by Delegate Kameny, since we are not likely to get 23 on the second go-round, is a valid one and that is to eliminate those that received very, very few votes. Like the one that receive one vote, the one that received 2 votes, and the one

that received three votes.

A DELEGATE: And the ones that received none.

A DELEGATE: Second.

PRESIDENT CASSELL: All right. May we proceed again? Having eliminated two or three of those getting one, two, or three votes, it isn't likely they are going to increase subatantially. therefore we are now considering New Columbia and Anacostia. .

Mr. Secretary, will you read the roll again?

[Calling of the roll for New Columbia and Anacostia; the following named, when called, answer as follows:]

Delegate Love, New Columbia; Delegate Maguire, New Columbia; Delegate Marcus; Delegate Charles Mason, New Columbia; Delegate Hilda Mason, New Columbia; Delegate Brian Moore, Anacostia; Delegate Jerry Moore; Delegate Talmadge Moore, New Columbia; Delegate Nahikian, New Columbia; Delegate Nixon, present; Delegate Oulahan; Delegate Paramore, Anacostia; Delegate Robinson; Delegate Rothschild; Delegate Schrag, New Columbia; Delegate Shelton, Anacostia; Delegate Simmons, New Columbia; Delegate Street, New Columbia; Delegate Terrell; Delegate Thomas; Delegate Warren, New Columbia; Delegate Baldwin? Delegate Barnes, New York, New

Jersey, New Columbia; -- New Columbia; Delegate Blount,
 New Columbia; Delegate Bruning, New Columbia; Delegate Clarke,
 New Columbia; Delegate Coates, all native American, Anacostia;
 Delegate Cooper, Anacostia; Delegate Corn; Delegate Croft;
 Delegate Eichhorn; Delegate Feely, Anacostia; Delegate
 Freeman, New Columbia; Delegate Garner; Delegate Graham,
 Anacostia; Delegate Harris; Delegate Holmes; Delegate
 Jackson; Delegate Johnson, New Columbia; Delegate Jones,
 Anacostia; Delegate Jordan, Anacostia; Delegate Kameny,
 New Columbia; Delegate Lockridge, Anacostia; Delegate Long;
 Delegate Cassell, Anacostia.

SECRETARY COOPER: Mr. President, New Columbia
 18, Anacostia 11.

No majority.

A DELEGATE: Third ballot?

PRESIDENT CASSELL: Third ballot.

SECRETARY COOPER: Nominations are open again for
 the name.

PRESIDENT CASSELL: Ladies and gentlemen, we have
 been following generally our rules for the nomination and
 election of officers. After the second ballot of no majority
 is reached, nominations are open again.

Do we want to go through that again?

Do you want to stick with what we've got?

DELEGATE GRAHAM: I would like to nominate Utopia.

A DELEGATE: I'm not seconding it tonight.

PRESIDENT CASSELL: Those in favor of expanding or opening the nominations, indicate by raising your hands.

Those in favor of keeping the same two we now have, to vote on, raise your hands, please.

[Result of show of hands:] All right, I think we have a majority.

The third ballot will require a simple majority.

Mr. Secretary, would you read it again, please?

Those are the rules that we have adopted tonight. There are no rules for the procedure that we're following at all. There's no rules for accepting a name.

Now, what we're doing is agreeing on a procedure which is not contrary to the rules, since there are no rules.

Delegate Clarke?

DELEGATE CLARKE: Point of procedural inquiry. Is a roll call necessary now, or just determine a simple majority by hand count?

PRESIDENT CASSELL: Well, I think you're right.

A DELEGATE: Why don't we just stick to what we've got? Why bother with a third ballot?

PRESIDENT CASSELL: We agreed that we would have a third ballot. We will certainly do it again.

[Side discussions for vote to be had.]

PRESIDENT CASSELL: Those in favor of the name New Columbia, indicate by raising your hands.

[During a show of hands the following was the outcome: 18 for New Columbia; 11 for Anacostia.]

PRESIDENT CASSELL: All right, it appears that the new state shall be named New Columbia.

[Applause; and hoorays.]

PRESIDENT CASSELL: All right, ladies and gentlemen. Fellow Delegates, we have completed the second reading.

Hear ye, hear ye, hear ye, we have completed the second readings. Tomorrow we meet to do the third readings.

Fine.

Excuse me. Hold it now. Delegate Shelton.

[At this point there were discussions about the next meeting, which it was decided would be on Saturday, May 29, 1982.]

[At 10:56 p.m. this meeting was adjourned, to reconvene on Saturday, May 29, 1982.]